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Office of the Attorney General
State of Texas

DAN MORALES
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FCC MAIL ROOM

January 13, 1994

Office of the Secretary
Federal Communications Commission
1919 M Street, Room 222
Washington, D.C. 20554

BY OVERNIGHT MAIL

RE: *In the Matter of Amendment of the Commission's Rules to Establish New Personal Communications Services*, GEN Docket No. 90-314, RM-7140, RM-7175, RM-7618; TX-ACSEC's filing of Reply to Oppositions to Petition for Reconsideration of Second Report and Order

Dear Commission Secretary:

Yesterday our office filed a Reply to Opposition of a Petition for Reconsideration of the Commission's Second Report and Order in the above-mentioned proceeding. The filing made reference to an attachment which was inadvertently omitted. Enclosed is the attachment that was to be included with the reply. Please include it in the record as part of our reply. We apologize for any inconvenience this may have caused. Please distribute the filing as appropriate, and file mark the extra copy and return it in the enclosed self-addressed, stamped envelope.

Thank you for your attention to this matter.

Sincerely,

W. Scott McCollough BY: *mc*

W. Scott McCollough
Asst. Attorney General
State of Texas
Counsel for TX-ACSEC

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Distraught Alm made 911 call before killing himself

■ Operator heard 4 gunshots after Oiler tried to give location

Associated Press

HOUSTON — Houston Oiler Jeff Alm made a frantic 911 call to summon help after a car crash, yelling to the operator, "I have a buddy dying!" Seconds later, the operator heard four gunshots as Alm committed suicide.

Fire department officials Wednesday released a recording of the call Alm made on his cellular phone shortly after his car crashed into a highway guardrail Dec. 14.

His best friend, Sean Lynch, died after being thrown from the car as a passenger and down an embankment. A despondent Alm fired three shots in the air before turning the gun on himself.

"Sean are you all right?" Alm shouts at the beginning of the call. In the ensuing moments, he tries to tell the operator the location of the accident.

"Yes, I had an accident on, uh," Alm said. "I had an accident on 59, uh, on 59 north. We're at (expletive) 59 north. Loop, uh, 610. I have a buddy dying!"

The operator tries to get the exact location, and Alm seems shaken and confused as he tries to be precise. After saying "hello," twice, nothing more is heard from Alm. The operator keeps calling out to him.

About 25 seconds after his last words, the first shot

is heard, although the operator doesn't know at that time it is a gun firing. The second shot follows about 15 seconds later.

"But it's not quite as loud, so apparently Jeff is moving away from his car toward the spot where Sean is directly below," Houston homicide Sgt. Johnny Moore said.

The third shot comes about 10 seconds later, and the final one another 10 seconds after that.

The operator repeatedly calls out to the person before finally hanging up.

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Toxicology reports on Alm have not yet been released in part because the doctor handling the case for

the Harris County Medical Examiner is on vacation, Moore said.

Moore said he couldn't make any judgment whether Alm was intoxicated when he made the call.

"It sounded like someone that has just been involved in an accident, they're excited, they're a little confused," Moore said.

Moore said he didn't know if Alm was familiar with Houston's highway system.

Many highways in the city have an official name and a nickname or two, and the Loop 610 has numerous designations. The crash occurred on a ramp that connects the West Loop South with the northbound lanes of U.S. Highway 59.

Alm and Lynch, both 25, grew up together in Orland Park, Ill., a suburb of Chicago.

FAR TOO MUCH TO BEAR

Alm's accident claimed his best friend, spirit to live

By Barry Melser
New York Daily News

HOUSTON — At 2:31 a.m. on Tuesday, Dec. 14, a 911 dispatch office in Houston received a frantic call, identified by investigators later as made on the cellular telephone found on the roof of Jeff Alm's car.

911 operator: 911. Do you need police, fire or ambulance?

Alm: Yes. I need an ambulance and the police.

911 operator: Are you in the Houston city limits?

Alm: Yes, I am. I had an accident on, uh

911 operator: Stay on the line. I'm transferring you to EMS. I'm transferring you to an ambulance dispatcher. Please ask for the police.

The call was transferred to an emergency center staffed by EMS dispatchers. Houston Fire and Ambulance reported that the call was received at approximately 2:32 a.m. The time was inexact because the digital clock on the master tape recorder was broken.

The following conversation lasted approximately 1 minute and 50 seconds:

EMS dispatcher: EMS.

Alm (yelling, unaware that call has begun): Sean, are you all right?

EMS dispatcher: Houston Fire and Ambulance. What is your emergency?

Alm: I've had an accident on, uh

EMS dispatcher: Go ahead. Go ahead

... Hello?

Alm: I had an accident on uh, on 59, uh

EMS dispatcher: Go ahead.

Alm: On 59 North, where 59, uh, meets, uh, 610. I have a buddy dying. I have a car, hit the accident ... my buddy. ... He ended up on 610, 59 and 610.

EMS dispatcher: Are you northbound or southbound?

Alm: Uh, 59 where 59 north goes on, uh

EMS dispatcher: 610?

Alm (sobs once loudly): Hello?

EMS dispatcher: Go ahead.

Alm: Hello?

EMS dispatcher: Go ahead. Where are you? Sir? Sir? Sir, go ahead. Hello?

There is a 6-second pause. Just as a car can be heard passing, a gunshot is heard.

Four more seconds pass and a click can be heard, the sound of a shotgun being pumped to refill. Nine more seconds pass, and a second shot is heard.

Another 12 seconds pass. A second car can be heard passing. As it does, a third shot is heard.

Eight more seconds pass. A fourth shot, this one muffled unlike the other three, is heard.

Another 3 seconds pass.

EMS dispatcher: Hello?

It was 2:34 when the dispatcher disconnected and sent an ambulance to the location Alm described incorrectly, confusing the north and south loops of the beltway that encircles Houston. At 2:42, a second call to 911 was made by a transit police officer who came upon the scene. Another ambulance was dispatched at 2:44. It arrived at 2:49 to find two men dead.

Sean Lynch, 25, of Orland Park, Ill., was pronounced dead of a fractured skull and massive head injuries.

Jeffrey Lawrence Alm, 25, also of Orland Park, was pronounced dead of one self-inflicted gunshot wound to the head.

Investigators found Alm's black Cadillac stopped on the northbound ramp that connects Loop 610 West to U.S. 59. According

proximately 63 miles per hour on the four-lane feeder road that curves sharply from right to left.

The car struck the right guardrail twice. Although the automobile's dual airbags inflated, Lynch, who was not wearing a seat belt, was hurled through the open passenger window, over the guardrail and approximately 45 feet down a grassy embankment.

After hitting the right guardrail, the car skidded diagonally across the road and hit the left guardrail, where it stopped about 75 yards from the initial impact. Alm, who was wearing a seat belt, was uninjured.

Alm got out of the car, ran across the highway and leaned over the guardrail desperately searching for his best friend, whom he first met in 1985 as a high school football teammate. Lynch quickly became a chum and a drinking buddy, a brother as special to him as any member of his family.

He saw Lynch prone. He yelled. And while he was still on the line with 911, Alm, a 6-6, 272-pound defensive lineman in his fourth NFL season with the Houston Oilers, gripped the shotgun he kept in his car. With his back to the guardrail, away from the unimaginable sight of his best friend, he stuck the barrel of a 12-gauge Winchester shotgun into his mouth and pulled the trigger.

Why?

"I used to joke with him, 'Oh, you love Sean more than you love me,'" said Christine Boron, Alm's girlfriend since 1989 when both were juniors at Notre Dame.

Boron, now a first-year student at the

Jeff had lost his very best friend in the world. I just think he didn't see any point anymore.

— David Lynch,
Sean Lynch's brother

Wharton School of Business in Philadelphia, lived with Alm his first three years in Houston. She moved in with him in the fall of 1990, a couple of months after he made the team as a rookie, a second-round draft pick.

They talked about talking about marriage and were in love, but were not yet engaged. Boron marveled at Jeff and Sean's friendship.

"It's so hard to believe that two grown men, especially such macho men, could be such close friends," she said. "Jeff placed a whole lot of value on friendship and long-term relationships. He found in Sean someone he could confide in."

Alm and Lynch met eight years ago at Carl Sandburg High School in Orland Park, a well-to-do suburb 25 minutes southwest of Chicago. They quickly became unlikely looking soulmates. Alm was blond and muscular, a star defensive lineman coveted by the nation's major college football programs. Lynch was almost a foot shorter, dark haired, slight, a backup defensive back and receiver who knew his football career was over the day he graduated from Sandburg.

"They were as close as brothers," said Lance Alm, 27, Jeff's brother. "Those guys spent so much time together. Jeff would come home for a four-day weekend and we'd see him for an hour. Sean would have the other three days and 23 hours."

"Sean's girlfriend would find out Jeff was

said Debbie O'Connor, 29, Jeff's sister. "That was it for the weekend."

Alm and Lynch loved to party. To them a great time was drinking on Friday night until the bars closed, then stuffing themselves on fresh crab legs in the Gibbons' kitchen until dawn.

Said Lance, "Jeff would do anything for Sean. Always wanted to protect him and watch out for him."

Experts estimate that only 2 percent to 10 percent of suicides are committed by people without history of mental illness. Two factors mitigating those statistics are alcohol or drug abuse.

Could immeasurable grief, shock, sleep deprivation (it was 2:30 a.m.), intoxication and the availability of a weapon to complete the ghastly act have been enough of a fatal mix?

"Without acute intoxication, the answer is no," said psychologist David Clark, the director of the Center for Suicide Research and Prevention at Rush-Presbyterian-St. Luke's Medical Center in Chicago. "With acute intoxication, the answer is yes."

Toxicology reports found that Lynch's blood-alcohol level was .30, significantly drunk. Alm's test results have not been made public by the Houston medical examiner's office. Larry Alm and Betty Robson, Alm's parents, are certain their son did not suffer from a mental illness. They are virtually certain he was drinking.

"I talked to him the night that this happened. About 7 o'clock," said Debbie O'Connor, Alm's sister. "I always ended conversations with Jeff with, 'Be careful. Take care of yourself.' And he'd say 'Yeah, yeah, yeah.' I said, 'What are you gonna do tonight?' because I knew Sean was down there. He said, 'Oh, we're gonna go out.' I said, 'God, Jeff, be careful, will ya?' He said, 'I think we're gonna take a cab.'"

She bit her lip and sighed.

"He changed his mind."

Even though he drove that night, Alm might be alive today if he didn't keep a gun in his car. "He told me he carried it because it was legal in Houston," said Bill Robson, his mother's husband, who has known Jeff for 14 years.

He owned a shotgun for protection, not because he was a hunter.

"He never hunted," Lance Alm said. "He shot a bird once with a BB gun and he cried for a week."

Alm signed a three-year contract worth an estimated \$1.04 million in 1990. He became a restricted free agent last summer and was offered a three-year, \$2.3-million deal. When he held out, asking for three years at \$3 million, the Oilers retracted their offer and retained their rights by offering a deal worth 100 percent of his 1992 salary, or \$319,000.

Alm received a standard letter requiring him to sign within seven days or be suspended for the first three games of the '93 season. He did not sign. He missed five games before he finally capitulated and signed for \$319,000. He vowed to have a great season, gain unrestricted free agency, and cash in with another team in 1994.

He was out of shape when he returned, though. In his second game back, he suffered a hairline fracture in his right leg. He missed six games before he healed. He died the day before he was due to resume full practice with the Oilers.

Why did Jeff Alm commit suicide? His parents, siblings, friends, girlfriend and Lynch's older brother have all accepted the fact that the grief and guilt were too much for him to bear.

"Jeff had lost his very best friend in the world," said Sean's brother David. "I just

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